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File No. 5044

PETITION FOR REVIVAL OF AN APPLICATION  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

First named inventor: Gregory Mathus  
Application No.: 09/457,796  
Filed: December 9, 1999  
Title: TUBE RACK

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified patent became abandoned for failure to file a timely and proper reply to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for in reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:  
(1) Petition fee;  
(2) Reply and/or issue fee;  
(3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and  
(4) Statement that the entire delay was unintentional.

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. §1.10

I hereby certify that this Petition for Revival of a Patent Abandoned Unintentionally and the documents referred to as enclosed therein are being deposited with the United States Postal Service on September 7, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 535852055 US addressed to the: Mail Stop Petitions, Commissioner of Patents, P.O. Box 1450 Alexandria, VA 22313-1450

Meghan H. Carr

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1. Petition Fee

- ☐ Small entity - Fee \$ \_\_\_\_\_ (37)CFR 1.17(m)  
☐ Small entity statement enclosed herewith.  
☐ Small entity statement previously filed.  
☒ Other than small entity - fee \$ 1,330.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The 3 ½ year maintenance fee that was due on:

- ☐ has been filed previously on \_\_\_\_\_.  
☐ is enclosed herewith.

B. The issue fee of \$1,330.00

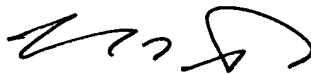
- ☐ has been paid previously on \_\_\_\_\_.  
☒ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity of \$ \_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Date: 09/07/04



Richard L. Stevens, Jr.  
Reg. No. 44,357  
Gauthier & Connors, LLP  
225 Franklin Street, Suite 3300  
Boston, MA. 02110  
(617) 426-9180, Ext. 123

- Enclosures:
- ☒ Fee Payment
  - ☒ Reply and/or Issue Fee
  - ☐ Terminal Disclaimer Form
  - ☐ Small Entity Status Form
  - ☐ Other